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No. 976—L. C., dated Bangalore the 11th November 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to provide for the control of export of Tea from and extension of the cultivation of Tea in Mysore.

Whereas it is expedient to provide for the control of export of Tea from and for the control of the extension of the cultivation of Tea in Mysore; It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Tea Control Act 193 .
(2) It extends to the whole of Mysore.
(3) It shall come into force at once.
(4) It shall remain in force up to the 31st March 1943.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Committee" means the Indian Tea Licensing Committee constituted by the Government of India under the Indian Tea Control Act, 193.

(*b*) "Export" means to take out of India by land, sea or air to any place specified by the Government in this behalf by notification in the official Gazette.

(*c*) "Owner" includes any agent of an owner;

(*d*) "Prescribed" means prescribed by rules under this Act;

(*e*) "Tea" means—

(1) in Chapter II and Chapter III, the plant *Camellia Thea* (Linn) and,

(2) elsewhere, the commodity known, as tea made from the leaves of the plant *Camellia Thea* (Linn), including green tea but excluding tea waste; and "Tea seed" includes seeds, roots, stumps, cuttings, buds and any living portion of the plant *Camellia Thea* (Linn) which may be used to propagate that plant.

CHAPTER I.

CONTROL OVER THE EXPORT OF TEA.

Limitation of application of Chapter.

3. Nothing in this Chapter shall apply to tea exported by post in package not exceeding one pound *avoirdupois* in weight.

Control of export of tea and tea seed.

4. (1) No tea shall be exported unless covered by a license issued by or on behalf of the Committee.

(2) No tea seed shall be exported unless covered by a permit issued by or on behalf of the Government.

CHAPTER II.

CONTROL OVER THE EXTENSION OF TEA CULTIVATION.

Method of control of extension of tea cultivation.

5. So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March 1938, save in pursuance of a written permission granted by or on behalf of the Government.

Provided that this Section shall apply to the replacing of tea areas by planting new areas, but nothing in this Section shall prohibit the infilling of or supplying of vacancies on land planted with tea at the 31st day of March 1933, or the replanting of tea upon :—

(*a*) land planted with tea at the 31st day of March 1933, from which the original bushes have been uprooted, or

(*b*) land planted with tea at the 31st day of March 1931, from which the original bushes have been uprooted,

Limitations to the extension of tea cultivation.

6. (1) Subject to the provisions of Section 8 and Section 9, the total area of land in Mysore in respect of

which the permissions referred to in Section 5 may be granted, shall not exceed one-half of one per cent of the total area of the land planted with tea in Mysore on the 31st day of March 1938.

(2) Subject to the provisions of section 8 and section 9 the total area of land in Mysore in respect to which such permissions may be granted, shall be determined by the Government and shall be as near as may be one-half of one per cent of the total area in the State which was planted with tea on the 31st day of March 1938.

(3) The Government shall publish the total area so determined by notification in the official Gazette as soon as may be after the commencement of this Act.

(4) The Government shall grant permission for planting new area to the tea estates in accordance with rules to be prescribed up to the total area in the State as may be determined under sub-clause (3), provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company, or 150 acres where it is owned by any individual proprietor or proprietors.

Grant of permission to plant tea.

7. (1) Applications for permission to plant tea on any land not planted with tea on the 31st day of March 1938, shall be made to the Government not later than six months from the commencement of this Act and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in Section 6, the Government may grant or refuse the permission applied for or may grant it in part only, or may call for further information from the applicant.

Grant of permission to plant tea in special circumstances.

8. Where any land which was on the 31st day of March 1933, planted with tea :—

(*a*) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake or other irresistable superhuman cause, or,

(*b*) has since been compulsorily acquired under the provisions of the Land Acquisition Act, 1894, or of any other law for the time being in force and no longer carries tea, the owner of

the tea estate in which such land was situated may apply to the Government for permission to plant tea on land not planted with tea.

(2) Upon such application being made and upon proof to the satisfaction of the Government that the applicant is entitled to the benefit of sub-section (1), the Government may grant permission to plant tea on land not planted with tea:

Provided that the area of land, in respect of which such permission is granted, shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this Section shall be excluded when computing for the purposes of Section 6 the total area of land in respect of which the permissions referred to in Section 5 may be granted.

Tea Nurseries.

9. (1) Subject to the provisions of sub-section (4) the owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for infilling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Government.

Provided that the total area utilised for nurseries in Mysore shall not upon the 31 day of March 1943, exceed the area so utilised in Mysore on the 31st day of March 1933.

(2) All areas of land utilised for nurseries in accordance with this Section shall be excluded when computing for the purposes of Section 6 the total area of land in respect of which the permission referred to in Section 5 may be granted.

(3) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

(4) If any return required under sub-section (3) is not furnished within the period specified in the notice or if in the opinion of the Government the total area of the land utilised for nurseries is excessive, the Government may make such restrictive or other order as it deems

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necessary and in particular may order the uprooting of any bushes planted on any such land.

Power to call for returns and to inspect.

10. (1) The Government may at any time serve by post a notice upon the owner of any tea estate or upon his manager requiring him to furnish within such period not being less than thirty days as may be specified in the notice such returns relating to the cultivation of tea on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf may at any reasonable time enter upon and inspect the lands of any tea estate and may require the owner of the estate to produce for inspection any records of the tea estate in his control or custody relating to the cultivation of tea on the estate.

(3) Where any return required under sub-section (1) in respect of any tea estate is not furnished within the period specified in the notice, the Government may refuse to grant any permission under Section 7 to plant tea on that estate.

Delegation of powers.

11. (1) Government may delegate the powers conferred on it under Sections 5, 6, 7, 8, 9, 10 and 11 to the Committee.

(2) When the powers are so delegated to the Committee (*a*) any applicant aggrieved by an order of the Committee under Section 7, Section 8 or Section 9 may appeal to the Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order; (*b*) the records of the Committee relating to the proceedings under this chapter shall be open to inspection at all reasonable times by any officer, authorized in this behalf by the Government; (*c*) no order under sub-section (2) of Section 7 shall be called in question by any court.

CHAPTER III.

Penalties and Procedure.

Penalty for making false return.

12. Any owner of a tea estate or his agent or manager who has furnished any return under sub-section (3) of Section 9 or under sub-section (1) of Section 10 containing any particular which is false and which he knows to be false or did not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection.

13. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting the lands of any tea estate under sub-section (2) of Section 10 and whoever, having control over or custody of any records of a tea estate relating to the cultivation of tea on that estate, refuses or fails to produce such records when required by the Government or by a person authorized by the Government under that sub-section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

14. (1) Whoever knowingly plants tea or causes tea to be planted in any land in contravention of Section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

(2) Whoever uses any land in contravention of any order made by the Government or the Committee under Section 9 or fails to comply with any order made by the Government or the Committee under sub-section (4) of Section 9 shall be punishable with fine which may extend to one thousand rupees.

Removal of tea planted without permission.

15. Where any person has been convicted of any offence under Section 14 the convicting Court may direct that the tea in respect of which the offence was committed shall be removed from the land within a specified time, and, in the event of the order not being duly complied with, may cause the tea to be removed and may recover the cost from the person convicted as if it were arrears of land revenue due on the tea estate on which the offence was committed.

Trial of offences under sections. 12, 13, 14.

16. No Magistrate other than a magistrate of the First Class shall take cognizance of an offence under Sections 12, 13 and 14 and such magistrate may take congnizance of an offence only upon complaint made by the officer duly approved by Government and with previous sanction of the Government.

CHAPTER IV.

Rules.

Rules.

17. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

(3) Such rules may provide that a breach thereof shall be punishable with fine which may extend to Rs. 1,000.

Statement of objects and reasons.

In accordance with an international Scheme for restricting the production of tea, the Indian Tea Control Act, 1933 was enacted in British India. At the request of the holders of tea lands in Mysore the Scheme was given effect to in Mysore by Notification No. Camp D. 46—A. & E. 219-33-16, F. dated 19th June 1934, restricting the extension of tea cultivation in the State. No legislation was then considered necessary as the cultivation of tea in Mysore was confined to a small extent.

The Tea Control Act, 1933 expired on 31st March 1938 in British India. But the representatives of tea industry in India, Ceylon and the Netherlands Indies executed an agreement for the renewal of the Scheme for a further period of five years from 1st April 1938. The Government of India have accordingly enacted Act VIII of 1938. The Scheme has also been extended in Mysore up to and inclusive of 31st March 1943 by Notification No. D. 8535—A. & E. 80-37-4, dated 7th May 1938. According to the Scheme, export of tea is controlled by the issue of licences by a committee in which South Indian Tea Estates will also be represented. The licences will extend to export quotas fixed on a crop basis. But according to Section 25 of the Indian Tea Control Act, 1938 licences for the export of tea produced in an Indian State are to be issued only where legislation enacted in any such State provides for the control of tea from and for the control of the extension of the cultivation of tea in the State. It has therefore become necessary to introduce a measure providing for these so that the benefits of the Scheme may be availed of by the owners of tea estates in Mysore.

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